

REMARKS

Claims 1-75 are currently pending in the application. The Examiner has required restriction to one of six groups under 35 U.S.C. §121:

- I. Claims 1-15, drawn to a method of identifying an antibody, classified in Class 435, subclass 7.92.
- II. Claims 63-67, drawn to a method of determining an antigen, classified in Class 435, subclass 7.93.
- III. Claims 16-46 and 1, drawn to a method of generating monoclonal antibodies, classified in Class 436, subclass 548.
- IV. Claims 74 and 75, drawn to an expression vector, classified in Class 435, subclass 320.1.
- V. Claims 47-62, drawn to a method of isolating antibodies, classified in Class 530, subclass 413.
- VI. Claims 68-73 and 1, drawn to a method of identifying epitopes, classified in Class 435, subclass 6.

In response to the restriction requirement, Applicant provisionally elects **with traverse**, **Group I** of the Office Action, claims 1-15, drawn to a method of identifying an antibody, classified in Class 435, subclass 7.92. Accordingly, claims 16-75 have been withdrawn from further consideration. Applicant respectfully requests reconsideration of the Restriction Requirement for the reasons set forth below.

Group I of the Office Action (claims 1-15) is drawn to a method of identifying an antibody, classified in Class 435, subclass 7.92. Group VI of the Office Action (claims 68-73 and 1) is drawn to a method of identifying epitopes, classified in Class 435, subclass 6. Because the specific characteristics required by claim 1 (Group I) are also required by claims 68-73 (Group VI) (*i.e.*, the inventions of Groups I and VI as claimed overlap in scope), Applicant respectfully submits that a search encompassing Groups I and VI would not place a serious burden on the Examiner. Claims 68-73 (Group VI) comprise an organization of claims, of which claim 1, either directly or indirectly, is an

element or part. That is, claims 68-73 comprise combination claims and claim 1 comprises a subcombination claim under MPEP §806.05(a) (“A combination is an organization of which a subcombination or element is a part.”). Where a combination as claimed sets forth the details of the subcombination as separately claimed, restriction is not proper even where the subcombination has separate utility. See, e.g., MPEP §806.05(c). Accordingly, Applicant request that Groups I and VI be rejoined as a single group containing claims 1-15 and 68-73, drawn to methods for identifying an antibody, methods for identifying an epitope, and methods for preparing vaccines against a disease.

In addition to restriction among various groups of claims, the Examiner has further required a species election to use of a fusion protein having a carrier protein, which has more defined reagents and/or methods required for detection as embodied by, for example, Groups I, III, or V, under 35 U.S.C. § 121. In response, Applicant provisionally elects, **with traverse, uses of fusion proteins having secretory alkaline phosphatase (SEAP) as the carrier protein** for search purposes only to the extent that no burden would be required to search uses of fusion proteins having other carrier proteins, such as horseradish peroxidase, beta-galactosidase, luciferase, or IgG Fc (gamma chain). It is Applicant’s understanding that the search will be extended to the remaining species upon a finding of allowability. Applicant requests that the Examiner reconsider and withdraw the species election requirement.

Applicant hereby reserves the right to petition the Commissioner to review the restriction requirement if this restriction requirement is made final.

CONCLUSION

Reconsideration of the Restriction Requirement is respectfully requested.

Applicant expressly reserves the right to prosecute claims and species not elected herein in other patent applications claiming the benefit of this application. If a telephone conversation with Applicant's Agent would expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617)832-1749.

Applicant request that the extension fee for the filing of this Statement and any other fee required for timely consideration of this application be charged to our **Deposit Account No. 06-1448. Reference IGA-003.01.**

Respectfully Submitted,
FOLEY, HOAG, LLP

By: Janann Ali
Janann Y. Ali
Reg. No. 54,958
Agent for Applicant

Dated: March 30, 2006

Customer No: 25181

Patent Department
Foley Hoag, LLP
155 Seaport Blvd.
Boston, MA 02210-2600
Facsimile: (617) 832-7000